



Paper No. 7

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OFFICE OF PETITIONS

In re Application of
YOGESHWAR et al.
Application No. 09/839,354
Filed: April 20, 2001
Attorney Docket No. FPD-2

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)/(f), filed May 30, 2003, to accept an unintentionally delayed notification of the filing in a foreign country of an application directed to the invention disclosed in the subject application.

The petition is **GRANTED**.

The present nonprovisional application became the subject of an application filed in the PCT Office designating foreign countries on April 19, 2002. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the PCT application.

Therefore, pursuant to the provisions of 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c), petitioner failed to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The present petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The Office has processed the request to rescind the previous nonpublication request. A Notice Regarding Rescission of Nonpublication Request and Notice of Foreign Filing setting forth the projected publication date, November 13, 2003, accompanies this decision on petition.

The application file is being forwarded to Technology Center 2600.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5589.

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Enclosure: Notice Regarding Rescission of Nonpublication Request and Notice of Foreign Filing